



Administrative Code Interpretation No. 2010-1
Utility Placement Underground Exemptions
Decision Date: February 22, 2010

This interpretation is made in accordance with the provisions of
Lake Stevens Municipal Code (LSMC) 14.16.410:

*Regarding applicability of utility placement underground exemption specifically related, the LSMC
is interpreted by the Planning Director to apply as follows:*

Code Interpretation – LSMC 14.60.450(c)

LSMC 14.60.450 :

(a) Except as noted in subsections (c) through (e) of this section, all existing, extended, and new electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, cable television, and other communication lines in or adjacent to any land use or building permit approved after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility service providers and located in accordance with the currently adopted version of the Engineering Design and Development Standards for the City of Lake Stevens. In the event the distribution line originates from a point opposite any public roadway from the new construction the service lines shall be placed beneath said roadway by means of boring or surface excavation across said roadway.

(b) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of the ordinance codified in this chapter, then all electric, power, telephone, gas distribution, and cable television lines installed to serve the development that are located on the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies.

(c) Building permits for additions, alterations, or repairs within any 12-month period and equal to less than 50 percent of the total value of the existing building or structure shall not be subject to the requirements of this section.

(d) If the Public Works Director determines that an underground system cannot reasonably be installed according to accepted engineering practices, the requirements of this section may be waived upon receipt of a written notice from the appropriate utility service provider. Such a waiver shall be noted in the permit or shall be construed as not being granted. If undergrounding is determined not to be feasible, the applicant must either sign a concomitant agreement or a no protest agreement of the formation of an LID for future undergrounding. Determination of which form of promissory shall be used shall be at the discretion of the Public Works Director.

(e) Nothing in this section nor any other section in relation to underground utilities shall apply to power lines carrying a voltage of 15 kV or more, nor shall it be constructed to prohibit the placement of said mounted transformers, terminal pedestal, or other electrical and communications devices above ground, as determined by the appropriate utility service provider involved.

Code: LSMC 14.60.450 sets forth underground utility placement provisions for development subject to permits. The City's current code requires land use permits and building permits for nearly all projects including, but not limited to, new structures, changes to existing structures, and change of use in new or existing structures. The code essentially states:

- (a) Requires utility placement underground in adjacent roadways for all new development and references exemptions specified in subsections (c) through (e)
- (b) Requires utility placement underground internal to the development itself.
- (c) Exempts projects where building permits are required for additions, alterations or repair work within a 12 month period when the improvement are less than 50% of the total value of the existing building or structure.
- (d) Requirement can be waived if the underground system cannot reasonably installed according to engineering practices.
- (e) Requirement does not apply to high voltage power lines or aboveground supporting equipment.

Interpretation: Based on the code analysis, past decisions, and current practice, exemption (c) is interpreted and intended to include land use permits associated with building permits for additions, alterations, or repair of existing structures where there is a change in an existing building or a change of use in an existing building. This interpretation does not encompass other LSMC code requirements for change to existing buildings or change of use in existing buildings and is specific to the utility placement underground provisions.:

This interpretation is issued pursuant to LSMC 14.16.410 and may be appealed to the Zoning Board. Appeals must be filed within 14 days after the date of this interpretation and must be filed with a written description of the specific aspect being appealed, any supporting evidence and filing fee (LSMC 14.16.400).


Planning Director


Date

Note: This interpretation does not relieve the applicant's duty to comply with all applicable rules and regulations in effect.